

ON THE QUESTION WHETHER IT IS DESIRABLE THAT WORDS SHOULD BE ADDED TO THE "RÈGLES" EXPRESSLY PROVIDING THAT FOR THE PURPOSES OF ESTABLISHING A CONDITION OF SECONDARY HOMONYMY BETWEEN TWO SPECIFIC NAMES IT IS NOT NECESSARY THAT AN AUTHOR SHOULD EXPRESSLY CITE THE NAMES IN HOMONYMOUS COMBINATIONS BEFORE REJECTING AND REPLACING THE LATER PUBLISHED OF THE TWO TRIVIAL NAMES INVOLVED

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(Commission's reference Z.N.(S.)586)

1. In an application (Z.N.(S.)188) relating to the question of the correct trivial name of the Kidney Worm of Swine (1951, *Bull. zool. Nomencl.* 2: 282-291), Dr. Ellsworth C. Dougherty alludes to, and rejects, the argument which, prior to the revision of the provisions (Articles 35 and 36) of the *Règles* relating to specific homonymy, was sometimes advanced to the effect that, in order to establish a condition of secondary homonymy, it is not sufficient that an author should place in a single genus two species, each having the same word as its trivial name, and should reject and replace the later published of the two trivial names in question. According to the argument referred to by Dr. Dougherty, it is—or should be—necessary for such an author actually to apply to each of the two species concerned the same homonymous specific name (combination of generic name and specific trivial name) as a preliminary to the rejection of the later published trivial name on grounds of secondary homonymy and to its replacement by some other trivial name applicable, either objectively or subjectively, to the species bearing the invalid trivial name so rejected. It will be appreciated that the object of the argument described above is to provide a justification for the revival of a trivial name that formed part of a specific name which had at one time been rejected as a secondary homonym, in cases where (as has almost invariably been the case) the author rejecting the trivial name in question did not, in so doing, apply the special procedure described above. In other words, the object of this argument is to provide a legal means for avoiding giving effect to the provision that a name, once rejected on grounds of homonymy, is to be regarded as having been permanently so rejected and accordingly as incapable of being brought back into use by any later author who may himself hold the taxonomic (and therefore subjective) view that the two species concerned are not congeneric with one another.

2. In a supplementary note to Dr. Dougherty's application (1950, *Bull. zool. Nomencl.* 2: 291-293) I appealed to interested specialists to inform the International Commission on Zoological Nomenclature whether, in their opinion, the replacement of the trivial name *dentatus* Diesing, 1839) by the

trivial name *pinguicola* Verrill, 1870, as the trivial name of the Kidney Worm of Swine would be likely to give rise to confusion, and, in doing so, I commented (: 292) on the contention regarding the Law of Homonymy as applied to secondary homonyms set out above. I recalled that, when at Paris in 1948 the Law of Homonymy was subjected to careful and prolonged consideration (1950, *Bull. zool. Nomencl.* 4: 97-105, 107-125) no voice was raised in favour of the incorporation in Articles 35 and 36 of a special limiting provision of the kind referred to above. As I there pointed out: "Not only was no such argument advanced, but, on the contrary, the view was strongly expressed that great care must be taken in the revision of Article 35 to avoid the inclusion of formal provisions of a 'ritualistic' character of the kind which (as had previously been pointed out by Dr. J. Brookes Knight (Smithsonian Institution, Washington, D.C.)) had marred the amendment to Article 25 made by the Tenth International Congress of Zoology at Budapest in 1927). For this reason therefore it was expressly agreed that no definition of the procedure to be adopted by an author in rejecting one name as a secondary homonym of another should be inserted in the new rule."

3. In my view, the criticism of the Budapest amendment of Article 25 advanced by Dr. Brookes Knight is well founded and the Paris Congress (and the International Commission as its adviser) took the only right decision in insisting upon the omission from the revised version of the Law of Homonymy of "ritualistic" provisions. In the particular case under consideration the insertion of a provision such as that discussed in paragraph 1 of the present note would not only have complicated and rendered less effective the provisions relating to secondary homonymy as regards all future cases but also, as regards rejections of names as secondary homonyms made prior to the introduction of the new rules, would have rendered virtually inoperative the provision which occupies the central position in Article 36 (as also in the Paris revision), namely that a name once rejected as a homonym is to be permanently rejected and therefore to be incapable of being brought back into use at some later date by specialists who take a different view as to the generic relationship to one another of the two species concerned, from the view on this subject taken by the author rejecting the name of one of those species as a secondary homonym of the name of the other. It is evident therefore that, so long as it is the general wish of zoologists to maintain in the *Règles* the foregoing cardinal principle, it would be entirely inappropriate to include in the *Règles* a provision of the kind described in paragraph 1 above, for such a provision would be open to strong objection both on general grounds because of its "ritualistic" character but also on the specific ground that it would largely stultify the provision that a rejected homonym is never to be brought back into use, by very greatly restricting the number of cases where, for the purposes of the *Règles*, as contrasted with actual fact, one name had been rejected as a secondary homonym of another.

4. In general, it is, as is well known, a sign of bad drafting for a code, in addition to including provisions defining how a given condition or process (in this instance, the condition of secondary homonymy and the process of rejecting secondary homonyms) is to be recognised or effected, to include also provisions specifying one or more conditions or processes which do not comply

with the substantive provision laid down. In the case of the rules of zoological nomenclature, such considerations may perhaps be of less force than in cases where any question of interpretation which may arise is subjected to expert scrutiny by persons trained in interpretative technique, whereas the object of the *Règles* must be to provide clear guidance to persons whose special expertise lies in other fields. For this reason it may be felt that, notwithstanding the general objection to which negative, as contrasted with positive, provisions must always be open, it would be to the general convenience that the International Commission on Zoological Nomenclature should render a "Declaration" stating that: "For the purposes of the provision relating to the rejection of secondary homonyms, an author rejecting one name as a secondary homonym of another name is required to make it clear that he considers that the species bearing the trivial name so rejected is congeneric with another species bearing a previously published identical trivial name but is free to indicate his view on this subject in whatever way he may consider appropriate, provided that the method so adopted leaves no reasonable doubt that he considers the two species concerned to be congeneric with one another."

5. It would be of assistance to the International Commission on Zoological Nomenclature if any specialist interested in the problems raised by the Law of Homonymy would be so good as to send to the Secretary to the Commission (address: 28 Park Village East, Regent's Park, N.W.1, London, England) a statement of his views on the issue raised in the present note for consideration by the International Commission.

**ON THE NOMENCLATORIAL STATUS OF NAMES PUBLISHED IN 1777 IN THE "INTRODUCTIO AD HISTORIAM NATURALEM" OF GIOVANNI ANTONIO SCOPOLI**

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1. At its Session held in Lisbon in September 1935 (Lisbon Session, 4th Meeting Conclusion 11) the International Commission on Zoological Nomenclature had under consideration an application submitted by Dr. B. G. Chitwood (Bureau of Animal Industry, U.S. Department of Agriculture, Washington, D.C.) jointly with four other specialists (all of the U.S. Department of Agriculture), the central feature of this application being the question whether the generic name *Anguina* Scopoli, 1777, published in the foregoing work, was or was not an available name. The point at issue was whether in the *Introductio* Scopoli had applied the "principes de la nomenclature binaire," as then required by Article 25 of the *Règles*. At that time the meaning to be attached to the foregoing expression was the subject of keen debate, some authors claiming that it was identical in meaning with the expression "nomenclature binominale," others that it had a wider meaning. Pending a decision by the International Congress of Zoology on the question of principle involved, all that it was possible for the Commission to do in regard to the application